MR. P. S. MAHOMED (*Nominated*): I beg to move that in clause 1, sub-clause (1), line 3, the words "*at once*" be added after the word "clause" in line 3 and the words "on the day of" be deleted.

MR. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

The amendment was carried.

MR. P. S. MAHOMED (*Nominated*): സർ, ഈ ഭേഗതിചെയ്തു പാസാക്കിയ മുസ്ലിം സക്സഷൻ ബിൽ മൂന്നാം വായനക്കെടുക്കണമെന്ന് ഞാൻ അപേക്ഷിച്ചുകൊള്ളുന്നു.

MR. MAHOMED MUSTAPHA (*Commerce and Industry, South*) I second it.

The motion was carried.

THE TRAVANCORE KSHATRIYA BILL.

MR. RAMA VARMA RAJA (*Edavagai*): I beg to present the report of the Select Committee on the Travancore Kshatriya Bill and move that the Bill be taken up for consideration.

MR. L. R. RAJA RAJA VARMA (*Co-opted,*: I second it.

The question that clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

MR. RAMA VARMA RAJA (*Edavagai*): There is a verbal amendment to be made in clause 2.

PRESIDENT: You may move it at the third reading. The clause has already been passed.

Clause 3.

MR. RAMA VARMA RAJA (*Edavagai*): I move that—

in sub-clause (*b*), instead of the colon, substitute a semicolon.

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I second it.

The amendment was put to vote and carried.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not move any of my amendments.

The following amendment was not moved.

MR. K. P. NILAKANTA PILLAI: Clause 3, sub-clause (*b*)

omit the following in the first proviso "Notwithstanding the provisions of Section 3 of the Nayar Regulation, II of 1100."

MR. RAMA VARMA RAJA (*Edavagai*): I also do not move any of my amendments.

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I too do not move any of my amendments in the printed paper.

The following amendments were not moved:

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MR. L. R. RAJA RAJA VARMA :

1. Clause 3. In clause 3 (*b*), line 2, between "permissible" and "according" insert "or is."

Or

In clause 3 (*a*), lines 3 and 4, delete "subject to such.....they belong," and in 3 (*b*), line 2, delete "where such.....recognised usage," and insert before "shall be deemed.....," in the same line, "subject to such restrictions of consanguinity and affinity, as are approved by the community or communities to which they belong,"—retaining all the while the same paragraphing.

2. Clause 3. In clause 3 between the second and third provisos insert the following proviso as a separate paragraph and consequently transfer "and" at the end of the second proviso to the end of the new third.

"Provided again, that no defect of marriage in not satisfying any of the conditions above imposed....."

Or

"Provided again, that no defect of marriage arising out of non-compliance to any of the conditions and restrictions above imposed....."

Or

"Provided again, that no invalidity of a marriage" shall affect the status and rights of children born to parents after the registration of their marriage as provided for under Section 4 following."

The question that clause 3 as amended do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 4.

MR. RAMA VARMA RAJA (*Edavagai*) : I beg to move that, in line 3, a *coma* be inserted between the words "*records*" and "evidencing."

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The question that clause 4, as amended, do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 5 and 6.

The question that clauses 5 and 6 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clauses 7 to 13.

The following amendments were not moved :

Clause 7.

2. MR. K. P. NILAKANTA PILLAI : Clause 7, line 8 :

Delete the new sentence that begins after the word "business" occurring in line 8.

3. MR. M. GOVINDAN : Clause 7, line 9 :

Substitute "thousand" for "hundred."

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Clause 9.

4. MR. K. P. NILAKANTA PILLAI: Clause 9, sub-clause (1):

Insert the word "reasonable" between the words "a" and "compensation" in line 3 of the proviso and delete the words "sum not exceeding one hundred rupees."

Clause 12.

5. MR. K. P. NILAKANTA PILLAI: Clause 12, sub-clause (1):

Delete the words "and separate property" occurring at the end of the clause.

Clause 12.

6. MR. K. P. NILAKANTA PILLAI: Clause 12, sub-clause (2):

Delete the whole of the first line except the word "the" and begin the word "the" with a capital "T."

7. MR. L. R. RAJA RAJA VARMA: Amendment to amendment No. 2 to clause 7 proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment—to "dissolution" in line 10 and delete after "8" ":".

8. Amendment to amendment No. 5 clause 12 (1) proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment 'and substitute' "except in matters connected with dissolution of the marriage" and delete ":" after 'clause' at the end.

9. Amendment to amendment No. 6 to clause 12 (2) proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment 'and substitute' "save as regards cases contemplated under sub-clause (1)" and delete the third one of the amendment.

10. Clauses 7 and 9. In clause 7, lines 8, 9 and 10, delete "the petitioner shall..... .....on dissolution," and

In clause 9, delete "and thereafter.....on the amount adjudged."

Or

In clause 7, substitute also "The petitioner shall, in all cases, offer in the petition itself, reasonable compensation which need in no case exceed five thousand rupees where the petitioner is the husband and five hundred rupees where the petitioner is the wife, for payment to the counter-petitioner at dissolution," and

In clause 9, retain "and thereafter proceed....., and award, by its order," and thereafter add "five thousand rupees where the petitioner is the husband and 500 rupees where the petitioner is the wife, as compensation," and retain the rest of the original clause substituting only "civil" in place of "small cause" and inserting between "shall be" and "executable" in sub-clause 3, "appealable and"; Insert also "and circumstances" between "status" and "of parties" in line 2 of proviso, paragraph 2.

New clauses after Clause 11. Insert the following 2 clauses as 12 and 13, and re-number.

I. "No Court shall entertain a suit for restitution of conjugal rights or for judicial separation between parties to a marriage under this Regulation (except where it is a marriage between a Kshatriya male and a Nayar female validated under the Nayar Regulation II of 1100)." or

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the same deleting "or for judicial separation" in the amendment.

11. "Notwithstanding anything contained in any previous sections or in any other law, custom or usage, a Kshatriya minor female shall be deemed competent to refuse her, being married at the instance of her guardian, or to apply for divorce when married so without her being held liable for any compensation to be paid."

The question that clauses 7 to 13 do stand part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Clause 14.

The following amendment was not moved:

MR. L. R. RAJA RAJA VARMA : Clause 14, line 4,

delete "after deducting.....funeral."

The question that clause 14 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 15.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : In sub-clause (3) in the last line the word "or" has to be inserted. That provision has been copied from the Nayar Regulation. The word "or" has to be inserted.

MR. RAMA VARMA RAJA (*Edavagai*) : I beg to move that in sub-clause (3), last line the word "or" may be inserted between the words "*him*" and "*in*."

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The question that clause 15 as amended do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 16.

MR. RAMA VARMA RAJA (*Edavagai*) : I move that in the last line after the word "*expenses*" a coma be inserted.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The following amendment was not moved:

MR. L. R. RAJA RAJA VARMA : Clause 16, line 3:

delete "such property" and substitute "the whole of the self acquired and separate property left undisposed of by him at death" and insert "," between "expenses" and "equally."

The question that clause 16 as amended do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

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[Mr. L. R. Raja Raja Varma.]

Clauses 17 to 37.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 17, line 4 delete "after meeting.....expenses"
" 18 " 3 delete "similarly"
" 19 " 3 delete "after meeting... ...expenses"
" 20-lines 3 and 4 delete 'after meeting.....expenses"
" 21 line 3 delete "similarly"
" 22 " 3 delete "likewise"
" 24 " 3 delete "after meeting.....expenses"
" 25 " 3 delete "similarly"
" 26 " 9 delete 'after deducting.....funeral".

Or

New clause. Add the new clause after clause 26 and re-number.

"All reasonable funeral expenses of the intestate shall be met by his or her legal heirs duly, out of the self-acquired and separate property left undisposed of by him or her at death, and where his or her religious or socio-religious heirs entitled to perform such funeral rites—according to custom and usage obtained in the community to which the intestate belong—happen to be different from those legal heirs recognised under this Regulation, such costs shall be given to those socio-religious heirs for the due performance of such funeral, at the time.

Clause 15 last line, insert "or" between "him" and "in."

Clause 16. Line 3, delete "such property" and substitute "the whole of the self-acquired and separate property left undisposed of by him at death" and insert "," between "expenses" and "equally".

New clause. After clause 28, insert the new clause under the same chapter and re-number.

"Legitimate as well as illegitimate children shall have equal rights and privileges".

Or

"Legitimate children exclude illegitimate children, and both other heirs, in rights and claims".

Or

"Illegitimate children shall have no rights and privileges as provided for under this Regulation, except such vested under general law".

Or

"Illegitimate children shall have no rights and privileges as provided for under this chapter."

Clause 33. In lines 3 and 4, delete "or execute kanam deeds for immovable properties" and insert "or execute kanam deeds for immovable properties of the Tarwad" at the end of the clause between "12 years" and "."

Clause 34. Delete in lines 4, 5 and 6 "such necessity shall.....if any".

Or

Delete in lines 5 and 6, "Senior Anandiravan of the.....any" and substitute "majority of the major members of the tarward at the time."

Clause 37. Delete "has acted in good faith" at the end of the clause and substitute "has reasonably attempted in good faith to satisfy the same"

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Or

insert "and the views of the other members of the tarwad in such respect" between "existence of necessity" and "has acted."

Or

delete whole of clause 37.

The question that clauses 17 to 37 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clause 38.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 38. Delete lines 2 and 3 and substitute "and all the members thereof."

Or

Add at the end of the clause after comma instead of the present full-stop, "and in the case of tarwad consisting of single thavazhees only, all the major members thereof."

Or

Delete in lines 2 and 3 "collateral to the if any."

MR. RAMA VARMA RAJA (*Edavagai*) : I beg to move the following amendment :

In line 2, delete the letter "*s*" at the end of the word "*anandaravans*" and add the word "*same*" at the end of the line.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was carried.

The question that clause 38 as amended do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 39.

The following amendment was not moved :

MR. L. R. RAJA RAJA VARMA:

Clause 39, line 3 between "shall be deemed to" and "be entitled" insert "require or."

The question that clause 39 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 40.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 40. Delete in lines 3 and 4, from "husband" to "shall be" and substitute the following :—

"husbands' and unmarried major daughters or such of them without husbands, who remain so husbandless for no reasonable fault of theirs, and unmarried major sons or such of them without wives, who are incapacitated through mental or physical infirmity, both, when, not possessed of sufficient independent means of livelihood, shall be entitled to be maintained by the father, provided they live with him if he demands so— under his watch and care, or where he reasonably directs them to live, under his orders."

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[Mr. L. R. Raja Raja Varma.]

Or

stop with "husbands" in line 3, and delete the rest of it.

MR. RAMA VARMA RAJA (*Edavagai*) : I beg to move that in line 3 the letter "*s*" be inserted at the end of the word "*husband.*"

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The question that clause 40 as amended to stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 41 to 53.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 41. Delete lines 3 and 4 and substitute the text of the previous first suggestion (amendment) under clause 40 *i. e*, "husbands.....orders".

Or

delete the whole clause 41.

Clause 42. Line 2 between "his or her" and "children," insert "kshatriya or Non-kshatriya"; and after "children," and before "as the case may be" insert "or both".

Or

delete the whole clause 42.

New clause. Add the following clause after 42 and re-number.

"In awarding maintenance under Sections 40, 41 and 42, the Court shall have due regard to the means and circumstances of the person against and by whom maintenance is claimed and to the reasonable wants of the person claiming maintenance".

Clause 47. Delete completely.

Or

In line 4, after "setting off" and before "during such....." delete "the liabilities incurred" and substitute the following :—"charges arisen, liabilities incurred and wastages committed on the tarwad property, through neglect of default or wilful committal of the karanavan during such management proper maintenance unpaid to the members of the tarwad being also counted as charges arisen during the period"

and add at the end of the clause, "if the karanavan chooses to press such claim then.".

Or

add at the end of clause 47 under separate paragraph "this provision shall apply only for partition under Section 43 and not under Sections 45."

Add the following as a separate paragraph thereafter.

"At the time of the first demand for partition, if the karanavan presses his claim on acquisitions detailed above, the net result of such balance value of his acquisitions shall be struck—positive or negative as the case may be, and that shall be added to or deducted from the karanavan's individual share which shall also be determined then.

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The burden of proof in deciding such amount from records and accounts or other pieces of evidence necessary shall be on the Karanavan."

Additional clause after 53. Insert and re-number.

"change of religion or loss of caste shall not affect the legal rights of individuals to properties, as established under this Regulation."

Add the following additional clause after clause 53 and re-number :

"The provisions of this Regulation shall also apply to the members of the Samantha Community in Travancore, who at the date of commencement of this Regulation live under the joint tarwad system and are governed by the marumakkathayam system of inheritance, and who follow customs and usages similar to those of Kshatriyas.

21. Add the following clauses as an additional clause after clause 53 and re-number.

"any Udampadi or nischayapathram or family arrangement subsisting in force at the time of the commencement of this Regulation and made for any temporary arrangement in the tarwad shall be treated as null and void at the time of partition, while such purported for a permanent settlement with separate enjoyment and possession of properties effected shall not be disturbed at the time of partition."

The question that clauses 41 to 53 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

MR. RAMA VARMA RAJA (*Edavagai*): I move that the Bill as settled be taken up and passed at a subsequent meeting.

MR. L. R. RAJA RAJA VARAMA (*Co-opted*): I second it.

The motion was put to vote and carried.

THE WILLS REGULATION AMENDMENT BILL.

MR. P. S. MAHOMED (*Nominated*): സർ, വിൽസ് റഗുലേഷൻ അമൻറുമെൻറ ബില്ലിന് ഒരു സെലക്ററുകമ്മിറ്റിയുടെ ആവശ്യമില്ല. മുസ്ലിം സക്സഷൻബില്ലിൻെറ സെലക്ററു കമ്മിറ്റി തന്നെ ആ ബില്ലി നെപ്പററി വേണ്ട ആലോചനകൾ നടത്തുകയും റിപ്പോർട്ടിൽ അവരുടെ അഭിപ്രായം പറയുകയും ചെയ്തശേഷമാണ് ഈ ബില്ലുതന്നെ അവതരിപ്പിച്ചിട്ടുള്ളത്. അതിനാൽ ഈ ബില്ലിൻെറ രണ്ടാംവായന നടത്തണമെന്ന് ഞാനപേക്ഷിച്ചുകൊള്ളുന്നു.

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

MR. A. THANU PILLAI (*Trivandrum*): Does the member want the second reading to be gone through now?

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